

TITLE 14. DEPARTMENT OF PARKS AND RECREATION

[Emergency Notice filed February 28, 2002]

NOTICE OF PROPOSED RULEMAKING

The Department of Parks and Recreation (DPR) proposes to formally adopt rules and regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

DPR proposes to formally adopt section 4971, Chapter 16, Article 1, in Title 14 of the California Code of Regulations (CCR). This section, previously adopted by DPR as an emergency adoption, on February 28, 2002, concerns the requirement of public entities to adopt regulations to implement and administer relocation assistance in accordance with regulations adopted by the Department of Housing and Community Development (DHCD) and is required by Government Code section 7297.8.

PUBLIC HEARING

DPR has not scheduled a public hearing on this proposed action. However, DPR will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DPR. The written comment period closes at **5:00 p.m. on July 1, 2002**. DPR will consider only comments received at DPR offices by that time. Submit comments to:

David L. Wrightsman
Project Manager
Department of Parks and Recreation
1 Capitol Mall, Suite 500
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Public Resources Code section 5003 authorizes DPR to adopt the proposed regulations, which would implement, interpret, or make specific section 7267.8 of the Government Code.

INFORMATIVE DIGEST

DPR proposes to adopt section 4971 in Title 14 of the CCR. This section concerns relocation assistance. Government Code section 7267.8 requires all public entities to adopt regulations to implement payments and to administer relocation assistance in accordance with regulations adopted by DHCD.

The purpose of the proposed regulations is to meet the requirement of Government Code section 7267.8. DHCD has adopted regulations regarding relocation assistance in Title 25, of the CCR, Chapter 6, Subchapter 1, Articles 1-6, commencing with section 6000 and concluding with section 9198. DPR proposes to adopt DHCD's regulations regarding relocation assistance by reference.

Section 4971 of the CCR will adopt DHCD's regulations regarding relocation assistance by reference. Section 4971 of the CCR also will provide that if a project is federally funded, DPR shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

MATERIAL INCORPORATED BY REFERENCE

Section 4971 of the CCR will adopt DHCD's regulations regarding relocation assistance by reference. DHCD's regulations are located in Title 25, California Code of Regulations, Chapter 6, Subchapter 1, Articles 1-6, commencing with section 6000 and concluding with section 9198. DHCD's original regulations regarding relocation assistance were filed November 27, 1976. Certification of Compliance as to filing of November 5, 1976 filed February 16, 1977. DHCD's regulations regarding relocation assistance have been amended at various times between November 27, 1976 to date.

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None
- Other nondiscretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None
- Significant statewide adverse economic impact on business including the ability of California businesses to compete with businesses in other states: None.

- Cost impacts on a representative private person or businesses: DPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not (1) create or eliminate jobs within California(2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

DPR has determined that the proposed regulations affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DPR must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON(S)

Inquires concerning the substance of the proposed action or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to:

David L. Wrightsman (primary)
Project Manager
Department of Parks and Recreation
1 Capitol Mall, Suite 500
Sacramento, CA 95814
(916) 445-9101

Tara Lynch
Staff Counsel
Department of Parks and Recreation
1416 Ninth Street, 1404-6
Sacramento, CA 95814
(916) 653-8744

AVAILABILITY OF STATEMENT OF REASON AND TEXT OF PROPOSED REGULATIONS

DPR will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of this

date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reason.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, DPR may adopt the proposed regulations substantially as described in this notice. If DPR makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available to the public for at least 15 days before DPR adopts the revised regulations. Please send requests for copies of the modified regulations to Mr. Wrightsman at the above address. DPR will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Wrightsman at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations and strikeout can be accessed through our website at www.parks.ca.gov.